

***In the Senate of the United States,***

*September 4, 2018.*

*Resolved*, That the bill from the House of Representatives (H.R. 1109) entitled “An Act to amend section 203 of the Federal Power Act.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 **SECTION 1. CLARIFICATION OF FACILITY MERGER AUTHOR-**

2 **IZATION.**

3 *Section 203(a)(1) of the Federal Power Act (16 U.S.C.*

4 *824b(a)(1)) is amended by striking subparagraph (B) and*

5 *inserting the following:*

6 *“(B) merge or consolidate, directly or indirectly,*

7 *its facilities subject to the jurisdiction of the Commis-*

8 *sion, or any part thereof, with the facilities of any*

9 *other person, or any part thereof, that are subject to*

10 *the jurisdiction of the Commission and have a value*

11 *in excess of \$10,000,000, by any means whatsoever;”.*

1 **SEC. 2. NOTIFICATION FOR CERTAIN TRANSACTIONS.**

2       Section 203(a) of the Federal Power Act (16 U.S.C.  
3 824b(a)) is amended by adding at the end the following new  
4 paragraph:

5           “(7)(A) Not later than 180 days after the date  
6 of enactment of this paragraph, the Commission shall  
7 promulgate a rule requiring any public utility that is  
8 seeking to merge or consolidate, directly or indirectly,  
9 its facilities subject to the jurisdiction of the Commis-  
10 sion, or any part thereof, with those of any other per-  
11 son, to notify the Commission of such transaction not  
12 later than 30 days after the date on which the trans-  
13 action is consummated if—

14           “(i) the facilities, or any part thereof, to be  
15 acquired are of a value in excess of \$1,000,000;  
16 and

17           “(ii) such public utility is not required to  
18 secure an order of the Commission under para-  
19 graph (1)(B).

20           “(B) In establishing any notification require-  
21 ment under subparagraph (A), the Commission shall,  
22 to the maximum extent practicable, minimize the pa-  
23 perwork burden resulting from the collection of infor-  
24 mation.”.

1 **SEC. 3. EFFECTIVE DATE.**

2       *The amendment made by section 1 shall take effect 180  
3 days after the date of enactment of this Act.*

4 **SEC. 4. FEDERAL ENERGY REGULATORY COMMISSION RE-  
5 PORT.**

6       *(a) IN GENERAL.—Not later than 2 years after the  
7 date of enactment of this Act, the Federal Energy Regu-  
8 latory Commission shall submit to Congress a report that  
9 assesses the effects of the amendment made by section 1.*

10       *(b) REQUIREMENTS.—In preparing the report under  
11 subsection (a), the Federal Energy Regulatory Commission  
12 shall—*

13           *(1) take into account any information collected  
14 under paragraph (7) of section 203(a) of the Federal  
15 Power Act (16 U.S.C. 824b(a)) (as added by section  
16 2); and*

17           *(2) provide for public notice and comment with  
18 respect to the report.*

Attest:

*Secretary.*

115TH CONGRESS  
2D SESSION

**H.R. 1109**

**AMENDMENT**